

Conditional/Interim Use Permit Information Sheet

The City of Bloomington Zoning Ordinance regulates the use of land through the establishment of zoning districts. The Zoning Ordinance contains a list of permitted uses, accessory uses, interim uses and conditional uses for each district.

Permitted and accessory uses

“Permitted” uses within a district are allowed as a matter of right and generally do not require zoning approval, provided they meet all other performance standards of the *Zoning Ordinance*. A single-family dwelling is an example of a “permitted” use in the R-1, Single-family Residential District, while a warehouse is a “permitted” use within the I-1, Industrial Park District.

“Accessory” uses are allowed only when accessory to a permitted/principal use and if they meet performance standards of the *Zoning Ordinance*. “Accessory” uses can only exist in combination with a permitted/principal use. A garage (less than 1,000 sq. feet in area) is an example of an accessory use in a R-1 Residential District.

Conditional and interim uses

According to the *Zoning Ordinance*, conditional and interim uses are types of uses within a particular zoning district which are generally not suitable for the area but which, under some circumstances and with the application of certain conditions, may be supported by the City Council.

The Code specifies a small number of temporary uses as minor and allows the Community Development Director to issue Administrative Temporary Conditional Use Permits (TCUPs). This type of permit is usually temporary, lasting a short period of time, one to fourteen days. A permit for an art sale in a hotel is an example of this type of minor permit. However, if an objection is raised to the issuance of the “minor” permit, the matter will be referred for hearing to the City Council.

Most temporary uses require City Council approval. These permits also last for a specific time as determined by the City Council. The City Council may also attach conditions to the permit that must be met before the applicant may use the permit.

Temporary conditional use (TCUP) and interim use permit

Interim use permits and TCUPs can be obtained by completing the application process and receiving approval from the City Council. Interim use permits and TCUPs are issued for a specific period of time. A typical permit lasts anywhere from one to five years, depending on the use. Applications for renewal must be submitted before the expiration date in order to continue the use.

Standard conditional use permits (CUP)

A standard CUP can be obtained by completing the application process and receiving approval from the City Council. CUPs normally do not expire, although the City Council does have the power to revoke a standard permit if it no longer meets the conditions or requirements of the district.

Required findings

A conditional/interim use permit is obtained by submitting an application with supporting documentation. Planning staff then prepares a staff report and recommendation for the Planning Commission and City Council by reviewing all requirements in the *City Code*. This staff report is then forwarded to the Planning Commission. In most cases, the Planning Commission must first review the application and staff report. Once reviewed, the Planning Commission forwards the application and staff report to the City Council with a recommendation of approval or denial. The City Council always makes the final determination to approve or deny the application based on review of the staff report, the Planning Commission and a stringent set of legal findings.

A conditional/interim use may or may not be suitable on a particular site due to a variety of factors including traffic, location, impact on adjacent properties, and development pattern. Allowed conditional/interim uses vary for each zoning district according to the intent of the district. A church is an example of a conditional use in an R-1 Residential District.

The City Council generally does not grant a permit for a new use unless they find that the application meets the minimum standards and requirements of the *Zoning Ordinance*. The City Council may also require specific conditions be met to minimize the impacts of the use.

Processing TCUPs, CUPs, and interim use permits

Administrative conditional use permits

(May or may not be temporary)

The administrative conditional use permit procedure generally processes the least controversial applications. The Hearing Examiner, a qualified individual appointed by the City Manager, conducts the required hearings for an administrative temporary conditional use permit. Administrative hearings are usually held at 1 p.m. on Tuesdays in the Community Development Department Offices. Prior to the hearing, written notices are mailed to owners of properties surrounding the applicant's property.

If the Hearing Examiner recommends an approval of the conditional use permit, the request is typically placed on the next available City Council agenda. It is generally the Monday following the administrative hearing, but may be delayed depending on the Council's schedule.

Standard conditional/interim use permits

The standard conditional/interim use permit procedure is used for all other conditional/interim use permit applications. The required public hearing is held by the Planning Commission, which holds regular meetings two times each month on Thursdays at 6 p.m. in the City Council Chambers. Planning Commission agendas close about five weeks in advance of the meeting.

Appeals

The *City Code* allows for the applicant or impacted property owner to request an appeal of any decision made by the Hearing Examiner. The applicant must submit an appeal of denial for Hearing Examiner applications in writing within 10 calendar days of the date of the hearing. The Planning Commission hears all Hearing Examiner appeals. New notices are published and mailed for appeal hearings. Appeals of a Hearing Examiner's **approval** of a conditional use permit by an aggrieved property owner must be submitted in writing within 48 hours of the scheduled Hearing Examiner meeting, since the item is normally considered by the City Council on the following Monday.

Expiration of conditional/interim use permits

Conditional and interim use permits expire within the time frame designated by City Council or if they fall under one of the conditions in Section 19.23.01 of the *City Code*. The City Council also has the authority to revoke a permit if it no longer meets the conditions and requirements of the *Zoning Ordinance*. Interim use permits generally last three years and temporary conditional use permits typically last anywhere from one to five years, depending on the use. Temporary conditional use permits and interim use permits must be renewed before the permit has expired if the use is to continue.

Application requirements

It is the applicant's responsibility to prepare and submit a complete application. Incomplete applications cannot be accepted for review by the City Council. An incomplete or incorrect application may result in a delay of the final determination of the request. Application materials include:

- **Completed development application.**
- **Appropriate application fee.**
- **A Floor and/or site plan:** Floor and site plans must be at a scale large enough to clearly indicate all site and floor information including, but not limited to, floor dimensions, height, floor and use layout, building layout, driveway measurements, and other features necessary to show the location of the requested use and all dimensions of structures and features involved*.
- **Elevation drawings:** If the conditional use permit request involves a new building or an addition to an existing building, drawings of the exterior elevations may be required. These drawings should be at a scale of 1/4-inch equals one foot and should show the location of all significant features including: windows, doors, roof, steps, grade (ground) level, etc. Also state any dimensions of existing and proposed buildings/additions, including the height and dimensions of the proposed enhancement. Show which portions of the buildings are new and which are existing.
- **Written documentation:** Prepare a letter, preferably typewritten, describing your request. The purpose is to explain the proposed use and provide justification for the use.
 - *State what you want to do:* "I propose to have a home therapeutic massage parlor in a room 10 x 10 feet.
 - *Describe why the conditional use permit is needed:* "The existing use of the property is a single-family residence. This residence has sufficient space for a home occupation. I have current certification in therapeutic massage and would like to establish my therapeutic massage business in the basement of my home."
 - *Describe the circumstances that necessitate the use of this particular site:* "The proposed location is the only possible place for me to hold therapeutic massage sessions."

- *Provide as much detail as possible:* Describe the interior layout, integration with existing uses, distance and relationship with neighboring structures – all details and conditions affecting the property or lease space.
- *Discuss other requirements of the City Code which may be impacted by your proposal and how you propose to handle them:* Include any hours of operation, total number of employees, parking, etc. "The therapeutic massage business will increase the number of vehicles traveling down Aldrich but hours of operation will be limited to reduce the total number of vehicles during rush hour."

* The Building and Inspection Division has drawings of many Bloomington properties. If available, you may purchase a copy of these drawings to use as a starting point to plan your application drawings. However, these drawings are generally not accurate enough to determine actual setback information.

Fees

Principal uses:

Two-family dwellings.....	\$280
All other uses	\$530

Accessory and temporary uses:

Administratively approved.....	\$25
Applications sent to Council	\$100
All other applications	
First application	\$250
Renewals	\$100

Administrative (Hearing Examiner)

Recreational vehicle	\$75
Renewal of TCUP	\$100
All other	\$100

Interim use permits.....\$250

Sample site plan



Sample written documentation

Maggie Mae
Fabulous Five Massage
888 East Bush Lake Rd.
Bloomington, MN 55431

Fabulous Five Massage

February 20, 2004

City of Bloomington Planning Division
1800 W. Old Shakopee Rd.
Bloomington, MN 55431

Dear Sir or Madam:

I am requesting a permit to operate a home therapeutic massage business at 888 East Bush Lake Road. My licensed therapeutic massage business will be located in the lower basement, in a room 15'x15'x15'. The room is handicap accessible and has adequate facilities for restroom and changing. All clients will enter through the front door of the primary residence and will exit in the same manner. Hours of operation will be Monday through Friday 9:00 a.m. to 2:00 p.m., with no more than one client on the premises at any one time. No more than five clients will be taken per day. Adequate off street parking is available in the two-car driveway, with no parking, loading and unloading taking place on East Bush Lake Road. I will be the only licensed therapist on the premises and will be the only employee on the site.

Please contact me with further questions at 952-555-5555.

Sincerely,

Maggie Mae
Licensed Therapeutic Massage Practitioner